

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

77

Applicants: Robin Ellen Birdsong et al.
 Application No.: 09/942,422
 U.S. Filing Date: August 30, 2001
 Title: ELECTRONIC FLEX CARD ADJUDICATION
 SYSTEM AND METHOD
 Group Art Unit: 2161
 Examiner: Not Yet Assigned

Commissioner for Patents
 Washington, D.C. 20231
 Attention: Director's Office

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JUL 30 2002

GROUP 3600

**RESUBMISSION OF PETITION TO MAKE SPECIAL, REQUEST TO RESCIND
 PREVIOUS NONPUBLICATION REQUEST AND REQUEST FOR EARLY
 PUBLICATION ALONG WITH NINE REFERENCES AND SIX PIECES OF
 LITERATURE**

Sir:

On January 28, 2002, Applicants submitted a Petition to Make Application Special, Request to Rescind Previous Nonpublication Request, Request for early Publication, nine references and six pieces of literature to the attention of Commissioner for Patents. A stamped return receipt postcard was received by the Applicants from the U.S. Patent and Trademark Office (USPTO) with February 11, 2002 as a receipt date stamped on it.

Applicants, however, did not receive any correspondence from the USPTO, indicating that the application was made special and documents submitted on January 28, 2002 were made of record. Consequently, James David Jacobs, Applicants' Attorney who is representing the Applicants in this application before the USPTO, telephoned the USPTO to inquire about status of the application. In that telephone conversation, the Applicants' Attorney was advised to resubmit all documents submitted on January 28, 2002 to the attention of the Director's Office. Accordingly, we resubmit all documents here with, specifically the Petition to Make Application Special, Request to Rescind Previous Nonpublication Request, Request for early Publication, nine references and six pieces of literature.

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[NYC] 381593.1

If any fees are due, the Commissioner for Patents is hereby authorized to charge the fees to
Deposit Account No. 02-0393 of Baker & McKenzie.



Respectfully yours,

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents,
Washington, D.C. 20231 on this date: July 18, 2002.

James David Jacobs, Esq.

Reg. No. 24,299

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robin E. Birdsong, Jeanne B. Baker
 U.S. Serial No. : 09/942,422
 Filing Date : August 30, 2001
 For : ELECTRONIC FLEX CARD ADJUDICATION SYSTEM
 AND METHOD
 Examiner : To be assigned
 Group Art Unit : 2161



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GROUP 3600

Commissioner for Patents
 Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 28, 2002.

Eunhee Park (Reg. No. 42,976)

PETITION TO MAKE APPLICATION SPECIAL
 UNDER 37 C.F.R. 1.102 AND M.P.E.P. 708.02 II DUE TO INFRINGEMENT

SIR:

Applicants hereby petition to make the above-identified application special for an invention because of infringement.

Eunhee Park, an attorney duly registered to practice before the United States Patent and Trademark Office, alleges:

(a) that to the best of my knowledge, there is an infringing product actually on the market and method in use, evidenced at least by alleged infringer's advertisement of the product;

(b) that a rigid comparison of the alleged infringing product and method with the claims of the application has been made, and that, in my opinion, some of the claims are unquestionably infringed; and

(c) that I caused to be made a careful and thorough search of the prior art. I attach one copy of each of the following references that the search uncovered.

US Patents and Published Applications

- | | |
|----------------------------------|----------------|
| (1) US Patent No. 4,491,725 | Pritchard |
| (2) US Patent No. 5,235,507 | Sackler et al. |
| (3) US Patent No. US2001/0037214 | Raskin et al. |
| (4) US Patent No. 5,991,750 | Watson |
| (5) US Patent No. 6,044,352 | Deavers |
| (6) US Patent No. 6,067,522 | Warady et al. |
| (7) US Patent No. 6,092,047 | Hyman et al. |
| (8) US Patent No. 6,108,641 | Kenna et al. |
| (9) US Patent No. 6,208,973 | Boyer et al. |

Company Literature from the Internet

The following literature was uncovered during the Internet search. Applicants, however, do not know the accurate dates of publication for some of this literature, except for indicated copyright year. Accordingly, by submitting this literature, Applicants are not representing that the literature is prior art.

- (1) New Debit Card Lets Holders Pay for Medical Flex Services, The Buffalo News - 2/3/2001, <http://www.ee-plan.com/press.asp>
- (2) Medibank-It's about Time, <http://www.medibank.com>, copyright 2001
- (3) HealthAllies FlexPlus, <http://www.healthallies.com/broker/flexplus.jhtml>, copyright 2001
- (4) FlexAmerica, <http://www.flexamerica.com/flexcard.htm>

(5) Fringe Benefits Management Company, <http://www.fbmc-benefits.com/texflex/debitcard.html>, copyright 2001

(6) BPC, Inc. - Flex Debit Cards,
<http://www.bpcinc.com/benefit/fdcinfo.html>, copyright 2000-01

For the aforementioned statements, it is therefore respectfully requested that the present application be made special and that the examination thereof accordingly be accelerated.

The Commissioner is authorized to charge the required fee under 37 CFR §1.17(h) to Deposit Account No. 02-0393 of Baker & McKenzie.

Respectfully submitted,

Dated: January 28, 2002

By: Eunhee Park
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